



INTERIOR BOARD OF INDIAN APPEALS

Hoh Indian Tribe v. Northwest Region Awarding Official, Bureau of Indian Affairs

55 IBIA 167 (06/29/2012)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

HOH INDIAN TRIBE,)	Order Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 12-117
NORTHWEST REGION AWARDED)	
OFFICIAL, BUREAU OF INDIAN)	
AFFAIRS,)	
Appellee.)	June 29, 2012

On June 18, 2012, the Board of Indian Appeals (Board) received a “Protective Notice of Appeal” from the Hoh Indian Tribe (Tribe), from an April 12, 2012, decision (Decision) by the Awarding Official, Northwest Region, Bureau of Indian Affairs (BIA). The Decision asserts a demand for the Tribe to pay back \$641,949 relating to an audit of one or more Tribe’s contracts under the Indian Self-Determination and Education Assistance Act (ISDA), Pub. L. No. 93-638, 25 U.S.C. § 450 *et seq.* The Tribe characterized its appeal as “protective” because the Tribe contended that the Awarding Official had provided incorrect appeal instructions, that the Board lacks jurisdiction over this post-award ISDA contract dispute, and that jurisdiction properly lies with the Civilian Board of Contract Appeals (CBCA), which is located in the General Services Administration.

The Decision instructed the Tribe that it had a right to appeal to the “Interior Board of Contract Appeals” (IBCA), and provided the Board’s address. The IBCA was abolished and replaced in 2007 by the CBCA. *See Redwood Valley Little River Band of Pomo Indians v. Central California Agency Awarding Official*, 54 IBIA 337, 337 n.1 (2012). The Board authorized the Awarding Official to issue an amended decision, which he did, advising the Tribe that it has a right of appeal to the CBCA. *See also* 25 C.F.R. Subpart N, § 900.215 *et seq.* Subsequently, the Tribe informed the Board that it has an appeal docketed with the CBCA, and that the appeal to the Board should be dismissed. The Board agrees that it lacks jurisdiction over this post-award contract dispute. *See* 25 C.F.R. §§ 900.150–.151.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses this appeal for lack of jurisdiction.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Debora G. Luther
Administrative Judge